



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

January 5, 2006

Representative David L. Babson Jr., Chairman  
Environment and Agriculture Committee  
Legislative Office Building, Room 303  
Concord, NH 03301

**Subject: HB 1429, an act relative to municipal exemptions for hazardous waste cleanup liability.**

Dear Chairman Babson and Members of the Committee:

HB 1429 seeks to establish an exemption to the strict liability provisions of RSA 147-A and 147-B for government entities engaged in transporting household hazardous waste (HHW). The New Hampshire Department of Environmental Services (DES) will undertake responsibility for the cleanup of any inadvertent spillage of these materials during transport by the governmental entity to a regional collection facility. While the likelihood of such spillage is small, it represents a serious concern to municipal entities sponsoring local household hazardous waste collection events. In most, if not all cases, municipalities have been unable to secure relevant insurance. These concerns have been communicated to DES through representatives of the General Court and in various stakeholder meetings over the past year. DES supports passage of HB 1429.

HHW represents 90% of the toxicity found in municipal solid waste and represents an environmental liability at the disposal facility when mixed with municipal solid waste. For this reason, DES has encouraged and provided funding for the collection of HHW through municipal collection programs. These programs help educate citizens about the products they use and provide them with an opportunity for proper disposal.

The transportation of household hazardous waste to regional collection centers by government entities can help municipalities provide more collection locations to increase public participation in the program and at the same time lower the setup costs of the HHW program through economies of scale. The present liability scheme of RSA 147-A:9 and RSA 147-B:10 creates uncertainty for municipalities and erects barriers to participation in regional collection events. Removing uncertainty on the strict liability issues will encourage municipal participation in regional events.

DES appreciates the opportunity to support this bill. If you have any questions regarding this letter of testimony, please do not hesitate to call me or Anthony P. Giunta, P.G. at 271-2905.

Sincerely,

  
Michael P. Nolin  
Commissioner

cc: Anthony P. Giunta, P.G., Director, Waste Management Division  
Paul Heitzler, Administrator, Waste Management Division

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